

1 THE HONORABLE MARSHA J. PECHMAN

2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 HARLEY MARINE SERVICES, INC., a  
10 Washington corporation; OLYMPIC TUG &  
11 BARGE, INC., a Washington corporation,  
12 PACIFIC COAST MARITIME, INC.

13 Plaintiffs,

14 v.

15 FATHOM MARINE, INC., a British Columbia  
16 corporation, FATHOM ENERGY, INC., an  
17 Alberta corporation,

18 Defendants.

IN ADMIRALTY

NO. 2:17-cv-00856-MJP

**STIPULATED MOTION AND  
ORDER TO DISMISS WITH  
PREJUDICE**

**NOTE ON MOTION CALENDAR:  
August 27, 2018**

19 Plaintiffs, Harley Marine Services, Inc., Olympic Tug & Barge, Inc. and Pacific Coast  
20 Maritime, Inc.; and Defendants, Fathom Marine, Inc. and Fathom Energy, Inc., through their  
21 undersigned counsel, stipulate and agree that all claims and counterclaims asserted by them  
22 against each other are fully resolved and the above captioned lawsuit should be dismissed with  
23 prejudice and without an award of costs to any party. The parties therefore jointly move for an  
24 order of dismissal with prejudice and without award of costs or fees.

25 DATED this 27<sup>th</sup> day of August, 2018.

26 //

//

1 BAUER MOYNIHAN & JOHNSON LLP  
2 **via email authorization 8/27/18**

NICOLL BLACK & FEIG PLLC

3  
4 /s/ Mark A. Krisher  
Thomas G. Waller, WSBA No. 22963  
5 Mark A. Krisher, WSBA No. 39314  
Robert D. Sykes, WSBA No. 49635  
6 *Attorneys for Plaintiffs Olympic Tug &*  
7 *Barge, Inc., Harley Marine Services, Inc.*  
8 *and Pacific Coast Maritime, Inc.*

/s/ Christopher W. Nicoll  
Christopher W. Nicoll, WSBA No. 20771  
Chris P. Reilly, WSBA No. 25585  
*Attorneys for Defendants Fathom Marine,*  
*Inc. and Fathom Energy, Inc.*

9 **ORDER**

10 Pursuant to the above stipulated motion, the above captioned lawsuit is DISMISSED  
11 WITH PREJUDICE and without an award of fees or costs to any party.

12 IT IS SO ORDERED.

13 DATED this \_28th\_ day of \_\_\_August\_\_\_, 2018.

14  
15   
16

17 The Honorable Marsha J. Pechman  
18 United States Senior District Court Judge  
19  
20  
21  
22  
23  
24  
25  
26

## CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I electronically filed the foregoing with the Clerk of the Court using the CM/CF system which will send notification of such filing to the following:

Thomas G. Waller  
Mark A. Krisher  
Robert D. Sykes  
BAUER MOYNIHAN & JOHNSON LLP  
2101 Fourth Avenue, Suite 2400  
Seattle, WA 98121  
Telephone: (206) 443-3400  
Fax: (206) 448-9076  
E-mail: [tgwaller@bmjlaw.com](mailto:tgwaller@bmjlaw.com)  
E-mail: [makrisher@bmjlaw.com](mailto:makrisher@bmjlaw.com)  
E-mail: [rsykes@bmjlaw.com](mailto:rsykes@bmjlaw.com)  
*Attorneys for Plaintiffs Olympic Tug & Barge,  
Inc. and Harley Marine Services, Inc*

DATED this 27<sup>th</sup> day of August, 2018.

/s/ Christopher W. Nicoll  
Christopher W. Nicoll, WSBA No. 20771